

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,
v.

18-cr-77-wmc-2

SIMON SAYERS,

Defendant.

Defendant Simon Sayers, through counsel, has filed a motion for compassionate release under the FIRST STEP Act. (Dkt. #176.) In so moving, defendant: (1) represents that his request for compassionate release was already submitted to the Pekin FCC Warden on April 14, 2020; and (2) argues that in any event, the risk of Covid-19 infection and his medical condition (“Type 2 diabetes mellitus”) provide extraordinary and compelling reasons to grant release without waiting for him to fully exhaust all administrative rights or the lapse of 30 days from the receipt of that request by the warden as otherwise contemplated by the First Step Act of 2018 (Pub. L. 115-391) § 603(b) (amending 18 U.S.C. § 3582(c)(1)(A)). Defendant’s counsel also states that a proposed release plan has already been provided to the U.S. Probation Office.

The court recognizes that all requests for compassionate release are urgent and expects that all concerned parties will work expeditiously to resolve them. Nevertheless, the court requires additional information to determine whether Sayers has sufficiently exhausted his administrative remedies *and* if there are extraordinary or compelling reasons to grant release. Accordingly, the court issues this order directing the warden of the inmate’s facility to: (1) facilitate receipt of his medical records documenting any medical condition and level of care;

and (2) verify his previous request for compassionate release and the status of that request. Ultimately, however, responsibility for providing this information belongs to defendant's counsel.

Upon receipt of this information, the U.S. Probation Office is further directed to promptly complete a pre-release investigation and submit a letter of findings to the court, the parties, and to the Bureau of Prisons. Once the Probation Office has submitted its findings, the government may have three days to respond to the pending motion for compassionate release. Defendant's reply, if any, is due the following day. The court will then schedule a prompt hearing (by telephone or videoconference) as necessary.

ORDER

IT IS ORDERED that the Warden of Pekin Federal Correctional Institution is DIRECTED to produce as soon as possible to defendant's counsel, Assistant Public Defender Kelly Welsh, and the United States Probation Office for the Western District of Wisconsin all of defendant Simon Sayers medical records, along with any petitions that he (or someone on his behalf) may have filed requesting compassionate release and any action taken on those petitions to date.

IT IS FURTHER ORDERED that the Probation Office for the Western District of Wisconsin begin a preliminary review of the proposed release plan so that it may promptly complete its investigation and submit a letter of findings as contemplated above.

Entered this 23rd day of April, 2020.

BY THE COURT:
/s/

WILLIAM M. CONLEY
District Judge